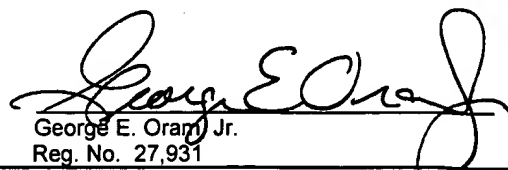


#3  
12 Rec'd PCT/PTO 28 JUL 1999

FORM PTO-1390 (REV 5-93)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE				ATTORNEY DOCKET NO. P564-9008	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371						DATE: July 28, 1999	
						U.S. APPLN. NO. (IF KNOWN, SEE 37 CFR 1.5) 09/284,233	
INTERNATIONAL APPLICATION NO. PCT/EP97/04744				INTERNATIONAL FILING DATE 1 September 1997		PRIORITY DATE CLAIMED 11 October 1996	
TITLE OF INVENTION: HELICOBACTER PYLORI LIVE VACCINE							
APPLICANT(S) FOR DO/EO/US: Thomas F. MEYER, Rainer HAAS, Yan ZHENGXIN, Oscar GOMEZ-DUARTE, Bernadette LUCAS							
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371. (THE BASIC FILING FEE IS ATTACHED)							
2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.							
3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT articles 22 and 39(1).							
4. <input type="checkbox"/> A proper demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.							
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</li> </ul>							
6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).							
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul>							
8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).							
9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).							
10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).							
Items 11. to 16. below concern other document(s) or information included:							
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.							
12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.							
13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.							
14. <input type="checkbox"/> A substitute specification.							
15. <input type="checkbox"/> A change of power of attorney and/or address letter.							
16. <input checked="" type="checkbox"/> Other items or information: Notification of Missing Requirement, Extension of Time CHECK NO.							

08/04/1999 PVOLPE 00000013 09284233

01 FC:254 65.00 OP  
02 FC:215 55.00 OP

U.S. APPLN. NO. (IF KNOWN, SEE 37 C.F.R. 1.50) 09/284,233	INTERNATIONAL APPLICATION NO.: PCT/EP97/04744	ATTORNEY DOCKET NO. P564-9008 DATE: July 28, 1999												
17. <input checked="" type="checkbox"/> The following fees are submitted: <b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b> Search Report has been prepared by the EPO or JPO.....\$840.00 International preliminary examination fee paid to USPTO (37 CFR 1.482).....\$670.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$760.00 Neither international preliminary examination fee (37 CFR 1.482) or international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$970.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....\$ 96.00		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">CALCULATIONS</td> <td style="width: 30%;">PTO USE ONLY</td> </tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>	CALCULATIONS	PTO USE ONLY										
CALCULATIONS	PTO USE ONLY													
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$00												
Surcharge of \$130.00 for furnishing the oath or declaration later than _ 20 _ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$130												
Claims	Number Filed	Number Extra												
Total Claims	16 - 20 =	00												
Independent Claims	02 - 3 =	00												
Multiple dependent claim(s) (if applicable)		+ \$260.00												
TOTAL OF ABOVE CALCULATIONS =		\$130												
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).		\$65												
SUBTOTAL =		\$65												
Processing fee of \$130.00 for furnishing the English translation later than the _ 20 _ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$00												
TOTAL NATIONAL FEE =		\$65												
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$40												
TOTAL FEES ENCLOSED =		\$105												
Amount to be refunded		\$												
Charged		\$												
a. <input checked="" type="checkbox"/> A check in the amount of \$160 to cover the above fees is enclosed and the one month Extension of Time. b. <input type="checkbox"/> Please charge my Deposit Account No. <u>14-1060</u> in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>14-1060</u> .														
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>														
SEND ALL CORRESPONDENCE TO:  NIKAIDO, MARMELESTEIN, MURRAY AND ORAM LLP Metropolitan Square 655 15th Street, N.W. Suite 330 - G Street Lobby Washington, D.C. 20005-5701 Telephone No. (202) 638-5000														
 George E. Oram Jr. Reg. No. 27,931														

U.S. APPLICATION NO. <b>09/284,233</b>		FIRST NAMED APPLICANT	ATTY. DOCKET NO. <b>P564-9008</b>
INVENTOR <b>NIKAI DO MARME LSTEIN MURRAY AND ORAM</b>			
ADDRESS <b>5611 METROPOLITAN SQUARE 655 15TH STREET NW SUITE 330 G STREET LOBBY WASHINGTON, DC 20005-5701</b>			
INTERNATIONAL APPLICATION NO. <b>PCT/EP97/04744</b>			
I.A. FILING DATE <b>09/01/97</b>		PRIORITY DATE <b>10/11/96</b>	
DATE MAILED <b>05/28/99</b>			

NIKAI DO MARME LSTEIN MURRAY AND ORAM  
 5611 METROPOLITAN SQUARE  
 655 15TH STREET NW  
 SUITE 330 G STREET LOBBY  
 WASHINGTON, DC 20005-5701

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
  - ☐ a non-English language.
  - ☒ English.
- ☐ Translation of the international application into English.
- ☐ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☒ Preliminary amendment(s) filed 12 Apr 1999 and \_\_\_\_\_
- ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed \_\_\_\_\_
- ☒ Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
- ☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
  - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
- 5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 306-3686

DOCKETED BY